

Patent: LOG-03-PUSA

REMARKS

Reconsideration of this application and withdrawal of the rejections set forth in the Office Action mailed April 23, 2003, is requested in view of this amendment and the following remarks.

Rejection of Claims 1-50 under 35 U.S.C. Section 112

The examiner rejected claims 1-50 under 35 U.S.C. Section 112 as being indefinite. The examiner alleges that the term "powder" is indefinite because it does not describe the precise composition of the "powder." Applicant respectfully disagrees with the examiner's conclusion. A powder is defined as a substance consisting of ground, pulverized, or otherwise finely dispersed solid particles. The American Heritage Dictionary, 2nd College Edition, 1985. This distinguishes the substance from other forms, such as a liquid, a gas, a paste, etc. Accordingly, the use of the term "powder" is not indefinite and to the contrary, describes precisely the form of substance claimed by Applicant.

As the examiner correctly points out, there are many different substances which may be a "powder," including without limitation, plastisol having resin particles or thermoplastic copolyamides. However, the fact there are many different powders does not make the term "powder" indefinite.

Rejection of Claims 1-50 under 35 U.S.C. Section 103

In the Office Action, the examiner rejected claims 1-50, all of the currently pending claims, under 35 U.S.C. Section 103 as being unpatentable over Sammis (U.S. Patent No. 6,143,115) in view of Hurnik et al. (U.S. Patent No. 4,623,686). Applicant has amended all of the pending independent claims (1, 19, 36, and 42) to include the limitation that the ink compound and powder must be composed such that the image can be imprinted on the soft surface with heat applied to the heat transfer paper at a temperature in the range of 220 to 400

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degrees Fahrenheit for up to 15 seconds. This is very important because some materials onto which the image is to be applied can be damaged (such as by being melted) by the application of excessive heat. For example, PVC and many PVC derivatives will melt under heating conditions exceeding 400 degrees Fahrenheit.

Sammis does not teach or suggest utilizing a powder which will allow imprinting of the image onto a soft surface under the heating condition of the present invention. For example, the nylon and polyester materials disclosed in Sammis (col. 4, lines 29-30) must be heated at temperatures greater than 400 degrees Fahrenheit in order for these materials to provide the adhesive benefits described by Sammis.

Since claims 2-18, 20-35, 37-41 and 43-51 depend from one of claims 1, 19, 36, or 42, these dependent claims are patentable over the cited prior art for at least the same reasons as the independent claims. Accordingly, Applicant submits that claims 1-50 are now in allowable form.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that all of the examiner's rejections have been overcome. Accordingly, allowance is earnestly solicited. If the examiner feels that a telephone interview could expedite resolution of any remaining issues, the examiner is encouraged to contact Applicant's undersigned representative at the phone number listed below.

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